IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3610 OF 1999

Miss Shilpa Vaman Bapat, .. Petitioner.

Vs

1. Manish Satyanarayanrao

Mehadia and ors. .. Respondents

Shri N.B.Kotak, for the petitioner.

Mrs.Anita Agarwal, for the respondent nos 3 and 4.

CORAM : D.B.BHOSALE,J.

DATE : 24th September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition is placed for speaking to the Minutes at the instance of the petitioner. The petition was disposed of by Mr J.G.Chitre, J.on 19.4.2002. In the said order, the petitioner seeks corrections which, according to the petitioner, occurred through inadvertence. In paragraph 4 of the application for speaking to the minutes, the petitioner has set out the corrections sought by him in the order.

. The corrections sought in paragraph 4(a) to 4(e) read thus :

"4. (a) In about middle of page 2, para 2, it is stated

as under :

"He stated that the learned MACT did not properly interpret this provision and therefore passed the order rejecting the prayer made by the petitioner for withdrawing her claim petition from MACT, Thane and for transferring it to MACT, Mumbai."

. The application for compensation was not filed before MACT, Thane. It was filed in MACT ,Mumbai; only it was ordered to be returned stating that MACT,MUMBAI had no jurisdiction.

So,it may be changed to read :

"He submitted that the learned MACT did not properly interpret this provision and therefore returned the Application No.3019 of 1998, filed by the Petitioner before MACT at Mumbai, holding that the MACT at Mumbai had no jurisdiction to entertain the Application."

(b) On page 2, in the 3rd line from the bottom:

"... transferred to .... " may be changed to read ".... entertained by" MACT, Mumbai.

(c) On page 4, first line:

"4th claim petition should have been withdrawn from MACT, Thane, and transferred for disposal according to law to MACT, Mumbai."

It may be changed to read :

"4th claim petition should have been entertained by MACT, Mumbai, where the other three petitions were being

heard."

(d) On page 4, in the 6th line from the bottom of para 3, it is stated as below:

"The claim petition which is at present pending in Thane (bearing No.3019/98 of Mumbai, MACT) stands transferred to MACT, Mumbai."

It may be changed to read :

"The claim Petition No.3019 of 1998, which has been ordered to be returned, may be taken back on file by MACT, Mumbai, along with other 3 connected claim Petitions which are pending for disposal, as per law."

(e) Not written direction:

If Applicant was a minor and not attending an educational institute or any other occupation is Mumbai, the companion matters being before MACT, Mumbai? Such applicant's Applications too should be heard together in order to avoid waste of judicial time and additional burden on claimants and defendants, likely differences in judgment by two Tribunals."

3. Mrs Agarwal, learned counsel for the respondents, has no objection for carrying out the corrections in the order as prayed for in the application for speaking to the minutes.

4. I am satisfied that the aforestated corrections in the order would be necessary. Accordingly, the

application for speaking to the minutes is allowed. Order accordingly.

(D.B.BHOSALE, J.)